

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE. :	*	CASE NO. 16-08365-EAG
PRISCILLA M. CANDELARIO VIDRO	*	
<u>Debtor</u>	*	CHAPTER 13

MOTION TO AMEND CHAPTER 13 PLAN AFTER CONFIRMATION

Here comes the Debtor **PRISCILLA M. CANDELARIO VIDRO** (“the Debtor”) through the undersigned attorney and respectfully show and pray:

1. Debtor filed this voluntary chapter 13 Bankruptcy petition on October 20, 2016. The 341 meeting of creditors is scheduled for December 2, 2016. The confirmation hearing is scheduled for on March 29, 2017.
2. A post confirmation modified plan dated March 2, 2017 has been filed in o inform that no payments will be made to Toyota credit claim number 1 except for the \$600.00 already paid to this creditor for adequate protection.

WHEREFORE, the Debtor respectfully requests that the post confirmation modified plan dated March 2, 2017 be approved by this Honorable Court.

NOTICE

To parties in interest that: within twenty one (21) DAYS after service as evidence by the Certification, and an ADDITIONAL THREE (3) DAYS pursuant to Fed.R.Bank.P. 9006(f) if you were served by mail, any party against whom this Application has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to the Application with the Clerk’s Office of the U. S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the Application will be deemed unopposed and may be granted unless: (i) the

requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I HEREBY CERTIFY: that on this date I electronically filed the above document with the Clerk of the court using any CM/ECF System which sends notification of such filing to Chapter 13 Trustee, and all creditors if any as per attached master address list. I further certify that I have served this notice by depositing true and correct copy thereof in the United States Mail, to non user creditors.

In Mayaguez, Puerto Rico, this 2nd day March 2017.

*/s/Lcdo. Homel Mercado Justiniano
USDC- PR - 229705
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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: /S/ PRISCILLA CANDELARIO VIDRO

BK. CASE # 16-08365-EAG

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PAYMENT PLAN

NOTICE: • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.**

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:
☒ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☐ The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED: _____

☐ PRE ☒ POST-CONFIRMATION

☒ AMENDED PLAN DATED: marzo 2, 2017

FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

I. PAYMENT PLAN SCHEDULE

\$	475	x	3	= \$	1,425
\$	150	x	57	= \$	8,550
\$		x		= \$	0
\$		x		= \$	0
\$		x		= \$	0
TOTAL =				60	\$ 9,975

Additional Payments:

\$ _____ to be paid as a LUMP SUM
within _____ with proceeds to come from

☐ Sale of property identified as follows:

☐ Other: _____

Periodic Payments to be made other than and in addition to the above.

\$ _____ x _____ = \$ _____ 0

To be made on: _____

PROPOSED PLAN BASE: \$ 9,975

II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

- Rule 2016(b) Statement: \$ 3,000
- Fees Paid (Pre-Petition): (\$ 590)
- R 2016 Outstanding balance: \$ 2,410
- Post Petition Additional Fees: \$ _____
- Total Compensation: \$ 3,000

Signed: _____
DEBTOR /S/ PRISCILLA CANDELARIO VIDRO

JOINT DEBTOR

III. DISBURSEMENT SCHEDULE SEQUENCE

A. SECURED CLAIMS: ☐ Debtor represents that there are no secured claims.

☒ Secured creditors will retain their liens and shall be paid as follows:

☐ ADEQUATE PROTECTION Payments: Cr. _____ \$ _____

☒ Trustee will pay secured **ARREARS:**

Cr. BPPR	Cr. _____	Cr. _____
Acct. 6746	Acct. _____	Acct. _____
\$ 258	\$ _____	\$ _____

Claim #4-1

☐ Trustee will pay **REGULAR MONTHLY PAYMENTS:**

(please refer to the above related notice, for important information about this provision)

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
Monthly Pymt. \$ _____	Monthly Pymt. \$ _____	Monthly Pymt. \$ _____

☐ Trustee will pay **IN FULL** Secured Claims:

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Trustee will pay **VALUE OF COLLATERAL:**

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:

Cr. _____	Ins. Co. _____	Premium: \$ _____
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(Please indicate in "Other Provisions" the insurance coverage period)

☐ Debtor **SURRENDERS COLLATERAL** TO Lien Holder:

☒ Debtor will maintain **REGULAR PAYMENTS DIRECTLY** to:

BPPR MORTGAGE LOAN ACC. #6746

B. PRIORITIES. The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

☒ IF ANY CLAIMS FILED AND ALLOWED

C. UNSECURED PREFERRED: Plan ☐ Classifies ☒ Does not Classify Claims.

☐ Class A: ☐ Co-debtor Claims: ☐ Pay 100% / ☐ "Pay Ahead": _____

☐ Class B: ☐ Other Class: _____

<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____
\$ _____	\$ _____	\$ _____

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$ _____)

☐ Will be paid 100% plus _____ % Legal Interest. ☒ Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS:

SEE EXHIBIT A ATTACHED

ATTORNEY FOR DEBTOR /S/ HOMEL MERCADO JUSTINIANO

Phone: (787) 831-2577

EXHIBIT A

Case: # 16-08365-EAG

OTHER PROVISIONS:

1. Tax returns will be devoted each year, as periodic payments to the plan funding until plan completion. The tender of such payment shall deem the plan modified by such amount, increasing the case thereby without the need of future notice hearing or Court order. If need be for the use of debtors of a portion such refund shall seek court's authorization prior to any use.
2. NOTICE: The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than **fourteen (14) days** prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within **twenty one (21) days** from its notification. This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, **twenty one (21) days** prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.
3. **TREATMENT FOR CLAIM NUMBER 1 FILED BY TOYOTA CREDIT OF PUERTO RICO**
 - a. **STAY WILL BE LIFTED FOR TOYOTA CREDIT OF PUERTO RICO PERTAINING SECURED CLAIM NUMBER 1.**
 - b. **THE SECURED CLAIM SHALL RECEIVE NO DISTRIBUTION FROM CHAPTER 13 TRUSTEE, EXCEPT FOR THE \$600. 00 ALREADY PAID TO TOYOTA CREDIT AS ADEQUATE PROTECTION.**

- c. IF CLAIM NUMBER 1 IS AMENDED TO UNSECURED STATUS TO A DEFICIENCY, THAN THIS CLAIM WILL RECEIVE DISTRIBUTION AS GENERAL UNSECURED CLAIM**

PRISCILLA MARI CANDELARIO VIDRO SEARS
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CASA D-27
SAN GERMAN, PR 00683

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